

Notice of Allowability

Application No.

10/803,423

Examiner

Jamila O. Williams

Applicant(s)

KANEDA, KOJI

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/18/2004.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date MAY 31, 2005 / JUNE 16, 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Zeller on July 27, 2006. During that interview Mr Zeller also indicated that he would like to have all reference numbers removed from the claims, therefore the changes are being incorporated in the examiner's amendment below.

The application has been amended as follows:

In the specification page 1 line 2 after "LOOSE-LEAF BINDER WITH" delete "ROCK" and insert --LOCK--.

In the specification page 1 line 9 after "relates to a loose-leaf binder with a " delete "rock" and insert --lock--.

In the specification page 11 line 25 delete "rocking" and insert --locking--.

In the specification page 12 line 27 delete "member 18" and insert --members 18--.

In the specification page 15 line 16 delete "58" and insert --56--.

In claim 1 line 1 delete "(1)".

In claim 1 line 2 delete "(2)".

In claim 1 line 3 delete "(3,4)" and "(7)".

In claim 1 line 6 delete "(11)".

In claim 1 line 7 delete "(2)" and "(1)".

In claim 1 line 8 delete "(10)".

In claim 1 line 9 delete "first" and insert –second--.

In claim 1 line 9 delete "(44)".

In claim 1 line 10 delete "(10)" and "(11)".

In claim 1 line 12 delete "(44)".

In claim 1 line 13 after "portion" delete ". (56)".

In claim 1 line 14 delete "(46)" and "(38)" and "(11)".

In claim 1 line 15 delete "(11)" and "(52)".

In claim 1 line 16 delete "(1)" and "(46)".

In claim 1 line 17 delete "(38)" and "(58)".

In claim 1 line 18 before "second" delete "the" and insert –a--.

In claim 1 line 18 delete "(20)" and "(3,".

In claim 1 line 19 delete "4)" and "(1,2)".

In claim 1 line 20 delete "(20,58)".

In claim 1 line 21 delete "(46)".

In claim 1 line 22 delete "(11)" and "(52)" and "(1,".

In claim 1 line 23 delete "2)".

In claim 2 line 2 delete "(38)" and "(11)" and "(40)".

In claim 2 line 3 delete "(11)".

In claim 2 line 4 delete "(42)" and "(46)".

In claim 2 line 6 delete "(46)" and "(40)".

In claim 2 line 7 delete "(10)".

In claim 2 line 8 delete "(10,11)".

In claim 2 line 9 delete "(46)" and "(56,32)".

In claim 3 line 2 delete "(46)" and "(52)".

In claim 3 line 3 delete "(56,32)".

In claim 4 line 2 delete "(52)" and "(53)".

In claim 5 line 2 delete "(46)" and "(52)".

In claim 5 line 3 delete "(56,32)".

In claim 6 line 2 delete "(52)" and "(53)".

On page 24 of the specification delete the current abstract and insert

--A locking member for a loose-leaf binder includes a member having an integrally pivoted portion pivotally mounted in a first actuating member, an engaging projection which engages with an engaging recess of a second actuating member to prevent movement of the second actuating member. An elastic portion which abuts against an upper surface of a first base plate to urge the engaging projection to the engaging recess, first finger hooking portion, whereby under a condition where the binder rings are closed, movement of both the base plates are prevented against an opening forces acting upon the binder rings. When first finger hooking portion is pushed toward second finger hooking portion, the engaging projection is disengaged from the second actuating member against the elastic force of the elastic portion, and both of the base plates are then moved in such directions as to open the binder rings.—

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The specific limitations of "the locking member is a member integrally comprising a pivoted portion pivotally mounted in the first actuating member, an engaging projection which engages with an engaging recess of the second actuating member to prevent movement of the second actuating member, an elastic portion which abuts against an upper surface of the first base plate to urge the engaging projection to the engaging recess, and a first finger hooking portion provided at a location opposite to a second finger hooking portion, whereby under a condition where the binder rings are closed, movements of both the base plates are prevented against an opening force acting upon the binder rings, and when both the finger holding portions are pushed toward each other, the engaging projection is disengaged from the second actuating member against the elastic force of the elastic portion, and both the base plates are then moved in such directions as to open the binder rings" are not anticipated or made obvious over the prior art of record in the examiner's opinion.

Both JP 2000-118182 and JP 2000-211282 disclose binders with first and second actuating members see figure 8 and elements 10,11 of both documents and locking elements 13,14 of '182 and 24,25 of '282 however neither of these references disclose the locking member as claimed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-3484. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JW 7/27/06


MONICA CARTER
SUPERVISORY PATENT EXAMINER